

01-24-2004

Sheet 1 of 22

FORM PTO-1449  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT	ATTY. DOCKET NO. 32892.00023	APPLN. NO. 08/960,557
	APPLICANT Eugenio A. Cefali	CONFIRMATION NO.
	FILING DATE October 31, 1997	GROUP 1615

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
JS	Re. 29,652	05/30/1978	Fields et al.			RECEIVED TECH CENTER 1600/2900 03 MAR 20 PM 1:25
	Re. 32,581	01/19/1998	Scherm et al.			
	2,510,164	06/06/1950	Woodward et al.			
	2,540,979	02/06/1951	Clymer et al.			
	2,749,274	06/05/1956	Buckwalter			
	2,798,837	07/09/1957	Sahyun			
	2,798,838	07/09/1957	Robinson			
	2,805,977	09/10/1957	Robinson et al.			
	2,851,453	09/09/1958	Kennon et al.			
	2,857,313	10/21/1958	Cooper et al.			
	2,887,436	05/19/1959	Klioze et al.			RECEIVED MAR 21 2003 TECH CENTER 1600/2900
	2,957,804	10/25/1960	Schuyler			
	3,062,720	11/06/1962	Costello			
	3,065,143	11/20/1962	Christenson et al.			
	3,108,046	10/22/1963	Harbit			
	3,116,204	12/31/1963	Siegel et al.			
	3,134,719	05/26/1964	Sheth et al.			
	3,143,469	08/04/1964	Debay et al.			
	3,147,187	09/01/1964	Playfair			
	3,193,461	07/06/1965	Eisen			
JS	3,210,413	10/05/1965	Blank et al.			
	3,272,832	09/13/1966	Nakano et al.			
	3,336,200	08/15/1967	Krause et al.			
	3,424,842	01/28/1969	Nürnberg			
	3,495,011	02/10/1970	Fossel			

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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,590,117	06/29/1971	Christenson et al.			
	3,626,071	12/21/1971	Kariya et al.			
	3,629,393	12/21/1971	Nakamota et al.			
	3,629,453	12/21/1971	Waring			
	3,634,584	01/11/1972	Poole			
	3,639,636	02/01/1972	Barnhart			
	3,709,991	01/09/1973	Miller			
	3,721,735	03/20/1973	Thiffault			
	3,773,920	11/20/1973	Nakamoto et al.			
	3,795,691	03/05/1974	Douglas et al.			
	3,806,601	04/23/1974	Mikite et al.			
	3,849,554	11/19/1974	Winitz			
	3,859,437	01/07/1975	Weigand			
	3,862,332	01/21/1975	Barnhart et al.			
	3,864,416	02/25/1975	Albright et al.			
	3,870,790	03/11/1975	Lowey et al.			
	3,923,972	12/02/1975	Fields et al.			
	3,924,001	12/02/1975	Albright et al.			
	3,930,017	12/30/1975	Kummer et al.			
	3,951,821	04/20/1976	Davidson			
	3,957,976	05/18/1976	Sugimoto			
	3,959,492	05/25/1976	Coulston et al.			
	3,965,255	06/22/1976	Bloch et al.			
	3,977,404	08/31/1976	Theeuwes			
	3,987,160	10/19/1976	Broughton et al.			

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
JS	3,992,536	11/16/1976	Kleemann			
	4,002,641	01/11/1977	Möller et al.			
	4,008,719	02/22/1977	Theeuwes et al.			
	4,011,339	03/08/1977	Galantay et al.			
	4,014,334	03/29/1977	Theeuwes et al.			
	4,014,987	03/29/1977	Heller et al.			
	4,034,087	07/05/1977	Voorhees			
	4,034,758	07/12/1977	Theeuwes			
	4,058,122	11/15/1977	Theeuwes et al.			
	4,067,876	01/10/1978	Ferutti et al.			
	4,077,407	03/07/1978	Theeuwes et al.			
	4,102,806	07/25/1978	Kondo et al.			
	4,115,550	09/19/1978	Fields et al.			
	4,116,241	09/26/1978	Theeuwes et al.			
	4,117,111	09/26/1978	Fields et al.			
	4,126,672	11/21/1978	Sheth et al.			
	4,140,755	02/20/1979	Sheth et al.			
	4,160,020	07/03/1979	Ayer et al.			
	4,160,452	07/10/1979	Theeuwes			
	4,166,902	09/04/1979	Ferruti			
	4,167,558	09/11/1979	Sheth et al.			
	4,169,944	10/02/1979	Scallen et al.			
	4,178,387	12/11/1979	Diamond et al.			
	4,180,064	12/25/1979	Heller et al.			
	4,182,902	01/08/1980	Thiele et al.			

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
JS	4,203,439	05/20/1980	Theeuwes			
	4,205,085	05/27/1980	Shepherd			
	4,211,783	07/08/1980	Shepherd			
	4,226,849	10/07/1980	Schor			
	4,230,878	10/28/1980	Shepherd			
	4,237,118	12/02/1980	Howard			
	4,248,857	02/03/1981	DeNeale et al.			
	4,251,519	02/17/1981	Robbins et al.			
	4,255,449	03/10/1981	Cavazza			
	4,256,108	03/17/1981	Theeuwes			
	4,259,314	03/31/1981	Lowey			
	4,261,970	04/14/1981	Ogawa et al.			
	4,268,524	05/19/1981	Cavazza			
	4,272,548	06/09/1981	Gatzen et al.			
	4,279,898	07/21/1981	Engel et al.			
	4,282,233	08/04/1981	Vilani			
	4,283,382	08/11/1981	Frank et al.			
	4,285,951	08/25/1981	Hoefle			
	4,291,030	09/22/1981	Mulinos			
	4,305,959	12/15/1981	Shepherd			
JS	4,308,251	12/29/1981	Dunn et al.			
	4,309,404	01/05/1982	DeNeale et al.			
	4,310,545	01/12/1982	Shepherd			
	4,318,914	03/09/1982	Shepherd			
	4,326,525	04/27/1982	Swanson et al.			

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
JS	4,348,399	09/07/1982	Shepherd			
	4,353,887	10/12/1982	Hess et al.			
	4,357,469	11/02/1982	Schor			
	4,361,546	11/30/1982	Stricker et al.			
	4,362,711	12/07/1982	Cerami			
	4,367,217	01/04/1983	Gruber et al.			
	4,369,172	01/18/1983	Schor et al.			
	4,375,468	03/01/1983	Dunn			
	4,382,143	05/03/1983	Shepherd			
	4,389,393	06/21/1983	Schor et al.			
	4,428,951	01/31/1984	Hata et al.			
	4,432,966	02/21/1984	Zeitoun et al.			
	4,440,940	04/03/1984	Shepherd			
	4,452,775	06/05/1984	Kent			
	4,454,108	06/12/1984	Iida et al.			
	4,455,298	06/19/1984	McFarlane et al.			
	4,457,907	07/03/1984	Porter et al.			
	4,461,759	07/24/1984	Dunn			
	4,465,660	08/14/1984	David et al.			
	4,472,436	09/18/1984	Hooper			
	4,478,819	10/23/1984	Hercelin et al.			
	4,485,105	11/27/1984	Shepherd			
	4,505,890	03/19/1985	Jain et al.			
	4,522,804	06/11/1985	Dunn			
JS	4,525,345	06/25/1985	Dunn et al.			

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JS	4,539,198	09/03/1985	Powell et al.			
	4,540,566	09/10/1985	Davis et al.			
	4,547,359	10/15/1985	Zierenberg et al.			
	4,556,678	12/03/1985	Hsiao et al.			
	4,568,547	02/04/1986	Herschler			
	4,571,333	02/18/1986	Hsiao			
	4,576,604	03/18/1986	Guittard et al.			
	4,603,142	07/29/1986	Burger et al.			
	4,605,666	08/12/1986	Schmidt et al.			
	4,610,870	09/09/1986	Jain et al.			
	4,624,950	11/25/1986	Sasaki et al.			
	4,657,757	04/14/1987	Hanna et al.			
	4,673,405	06/16/1987	Guittard et al.			
	4,678,516	07/07/1987	Alderman et al.			
	4,680,323	07/14/1987	Lowey			
	4,684,516	08/04/1987	Bhutani			
	4,690,824	09/01/1987	Powell et al.			
	4,692,337	09/08/1987	Ukigaya et al.			
	4,695,467	09/22/1987	Uemura et al.			
	4,695,591	09/22/1987	Hanna et al.			
4,695,910	09/22/1987	Maruyama et al.				
4,696,762	09/29/1987	Sander et al.				
4,704,285	11/03/1987	Alderman				
4,708,834	11/24/1987	Cohen et al.				
08	4,710,519	12/01/1987	Finnan et al.			

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
JS	4,713,245	12/15/1987	Ando et al.			
	4,729,895	03/08/1988	Makino et al.			
	4,734,285	03/29/1988	Alderman			
	4,744,907	05/17/1988	Klimchak et al.			
	4,747,881	05/31/1988	Shaw et al.			
	4,749,575	06/07/1988	Rotman			
	4,752,479	06/21/1988	Briggs et al.			
	4,753,801	06/28/1988	Oren et al.			
	4,755,544	07/05/1988	Makino et al.			
	4,756,911	07/12/1988	Drost et al.			
	4,758,581	07/19/1988	Scherm et al.			
	4,759,923	07/26/1988	Buntin et al.			
	4,764,374	08/16/1988	Grimberg			
	4,775,483	10/04/1988	Mookerjea et al.			
	4,775,535	10/04/1988	Lowey			
	4,777,042	10/11/1988	Toda et al.			
	4,784,858	11/15/1988	Ventouras			
	4,789,549	12/06/1988	Khan et al.			
	4,792,452	12/20/1988	Howard et al.			
	4,792,554	12/20/1988	Elben et al.			
	4,794,115	12/27/1988	Takahasi et al.			
JS	4,795,327	01/03/1989	Gaylord et al.			
	4,795,642	01/03/1989	Cohen et al.			
	4,795,644	01/03/1989	Zentner			
JS	4,803,079	02/07/1989	Hsiao et al.			

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
JL ↑	4,803,081	02/07/1989	Falk et al.			
	4,812,316	03/14/1989	Rossi et al.			
	4,814,183	03/21/1989	Zentner			
	4,814,354	03/21/1989	Ghere-Sellassie et al.			
	4,824,672	04/25/1989	Day et al.			
	4,824,677	04/25/1989	Shah et al.			
	4,828,836	05/09/1989	Elger et al.			
	4,830,859	05/16/1989	Finnan			
	4,834,965	05/30/1989	Martani et al.			
	4,834,985	05/30/1989	Elger et al.			
	4,837,032	06/06/1989	Ortega			
	4,839,177	06/13/1989	Colombo et al.			
	4,842,863	06/27/1989	Nishimura et al.			
	4,844,907	07/04/1989	Elger et al.			
	4,849,229	07/18/1989	Gaylord et al.			
	4,851,232	07/25/1989	Urquhart et al.			
	4,851,233	07/25/1989	Khan et al.			
	4,855,143	08/08/1989	Lowey			
	4,857,336	08/15/1989	Khanna et al.			
	4,866,058	09/12/1989	Izydore et al.			
JL ↓	4,871,548	10/03/1989	Edgren et al.			
	4,882,167	11/21/1989	Jang			
	4,886,669	12/12/1989	Ventouras			
JL	4,888,178	12/19/1989	Rotini et al.			
	4,892,741	01/09/1990	Ohm et al.			

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JS	4,911,917	03/27/1990	Kuhrts			
	4,915,952	04/10/1990	Ayer et al.			
	4,920,115	04/24/1990	Nestler et al.			
	4,920,123	04/24/1990	Beyer, Jr.			
	4,925,905	05/15/1990	Boeckh et al.			
	4,935,246	06/19/1990	Ahrens			
	4,940,588	07/10/1990	Sparks et al.			
	4,942,040	07/17/1990	Ragnarsson et al.			
	4,946,870	08/07/1990	Partain, III et al.			
	4,946,963	08/07/1990	Izydore et al.			
	4,950,689	08/21/1990	Yang et al.			
	4,952,402	08/28/1990	Sparks et al.			
	4,959,478	09/25/1990	Möller et al.			
	4,963,367	10/16/1990	Ecanow			
	4,965,252	10/23/1990	Kuhrts			
	4,966,768	10/30/1990	Michelucci et al.			
	4,968,508	11/06/1990	Oren et al.			
	4,970,081	11/13/1990	Frisbee			
	4,973,468	11/27/1990	Chiang et al.			
	4,973,469	11/27/1990	Mulligan et al.			
	4,983,398	01/08/1991	Gaylord et al.			
	4,990,535	02/05/1991	Cho et al.			
	4,992,278	02/12/1991	Khanna			
	4,994,267	02/19/1991	Sablotsky			
JS	4,994,276	02/19/1991	Baichwal et al.			

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JS	4,996,058	02/26/1991	Sinnreich			
JS	4,997,658	03/05/1991	Alberts et al.			
	4,999,380	03/12/1991	Berger et al.			
	5,002,774	03/26/1991	Agrawala et al.			
	5,009,895	04/23/1991	Lui			
	5,010,105	04/23/1991	Lee			
	5,011,947	04/30/1991	Catt et al.			
	5,015,479	05/14/1991	Mulligan et al.			
	5,023,245	06/11/1991	Kuhrts			
	5,025,012	06/18/1991	Miura et al.			
	5,030,653	07/09/1991	Trivedi			
	5,032,406	07/16/1991	Dansereau et al.			
	5,034,528	07/23/1991	Izydore et al.			
	5,039,341	08/13/1991	Meyer et al.			
	5,047,248	09/10/1991	Calanchi et al.			
	5,049,696	09/17/1991	Lee et al.			
	5,096,714	03/17/1992	Kuhrts			
	5,100,675	03/31/1992	Cho et al.			
	5,110,817	05/05/1992	Beyer, Jr.			
	5,110,940	05/05/1992	Sit et al.			
	5,116,610	05/26/1992	Broaddus			
	5,126,145	06/30/1992	Evenstad et al.			
	5,128,142	07/07/1992	Mulligan et al.			
JS	5,130,333	07/14/1992	Pan et al.			
JS	5,132,116	07/21/1992	Sournac et al.			

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JS	5,133,974	07/28/1992	Paradissis et al.			
	5,145,678	09/08/1992	Gakic et al.			
	5,167,964	12/01/1992	Muhammad et al.			
	5,169,638	12/08/1992	Dennis et al.			
	5,169,639	12/08/1992	Baichwal et al.			
	5,169,640	12/08/1992	France et al.			
	5,171,570	12/15/1992	Takemori et al.			
	5,178,854	01/12/1993	Asami et al.			
	5,182,298	01/26/1993	Helms et al.			
	5,188,839	02/23/1993	Pearmain			
	5,190,940	03/02/1993	Commons et al.			
	5,190,970	03/02/1993	Pan et al.			
	5,196,440	03/23/1993	Bertolini et al.			
	5,211,958	05/18/1993	Akkerboom et al.			
	5,213,808	05/25/1993	Bar-Shalom et al.			
	5,256,689	10/26/1993	Chiang			
	5,258,401	11/02/1993	Berger et al.			
	5,260,305	11/09/1993	Dennick			
	5,262,165	11/16/1993	Govil et al.			
	5,262,435	11/16/1993	Joshua et al.			
	5,264,226	11/23/1993	Graille et al.			
	5,268,181	12/07/1993	O'Neill et al.			
JS	5,278,067	01/11/1994	Dawson et al.			

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<i>JS</i>	5,286,736	02/15/1994	Soyka et al.	—	—	
<i>JS</i>	5,314,697	05/24/1994	Kwan et al.	—	—	

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
<i>JS</i>	603 690	08/16/1960	Canada				
	0 109 320	05/23/1984	EP				
	0 126 453	11/28/1984	EP				
	0 349 235 A2	01/03/1990	EP				
	0 577 504 A1	01/05/1994	EP				
	1 302 362	07/23/1962	France				
	40-2053	02/03/1965	Japan				
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	2 141 338	12/19/1984	UK				
<i>JS</i>	2 154 874	09/18/1985	UK				
	W084/00104	01/19/1984	PCT WO				

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



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
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EXAMINER

James M. Spear

DATE CONSIDERED 01-25-04

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT	ATTY. DOCKET NO. 32892.00023	APPLN. NO. 08/960,557
	APPLICANT Eugenio A. Cefali	CONFIRMATION NO.
	FILING DATE October 31, 1997	GROUP 1615

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER INITIAL	
JS	Schlierf, G., et al., "Modification of 'Carbohydrate-Induced' Triglyceridemia by Nocturnal Suppression of Lipolysis - Comparison of Nicotinic Acid and Glucose," <i>Pharmacological Control of Lipid Metabolism, Proceedings of the Fourth International Symposium on Drugs Affecting Lipid Metabolism, Philadelphia, PA</i> , 26:319-320 (1971).
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	<del>Complaint, filed by Kos Pharmaceuticals, Inc. against Barr Laboratories on March 4, 2002, in Civil Action No. 02 CV 1683.</del>
	<del>First Amended Complaint, filed by Kos Pharmaceuticals, Inc. on March 11, 2002, in Civil Action No. 02 CV 1683.</del>

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James M. Spear

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	APPLICANT Eugenio A. Cefali	CONFIRMATION NO.
	FILING DATE October 31, 1997	GROUP 1615

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER INITIAL	
	<del>Answer To First Amended Complaint, filed by Barr Laboratories on March 25, 2002, in Civil Action No. 02 CV 1683.</del>
	<del>Reply To Counterclaims, filed by Kos Pharmaceuticals, Inc. on April 15, 2002, in Civil Action No. 02 CV 1683.</del>
	<del>Amended Answer To First Amended Complaint, filed by Barr Laboratories on August 19, 2002, in Civil Action No. 02 CV 1683.</del>
	<del>Complaint, filed by Kos Pharmaceuticals, Inc. on August 13, 2002, in Civil Action No. 02 CV 6409.</del>
	<del>Answer To Complaint, filed by Barr Laboratories on September 3, 2002, in Civil Action No. 02 CV 6409.</del>
	<del>Complaint, filed by Kos Pharmaceuticals, Inc. on November 12, 2002, in Civil Action No. 02 CV 8995.</del>
	<del>Answer To Complaint, filed by Barr Laboratories on December 3, 2002, in Civil Action No. 02 CV 8995.</del>
	<del>Reply To Counterclaims And Counterclaims For Declaratory Judgment, filed by Kos Pharmaceuticals, Inc. on March 4, 2003 in Civil Action No. 02 CV 8995.</del>

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			Application Number	08/960557	
			Filing Date	10/31/1997	
			First Named Inventor	Cefali	
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JS	1	Dialog File 226: Trademarkscan(r)-US FED: Accession number 73/838497	
JS	2	McCarthy on Patents, Sec. 19.110	
JS	3	199 U.S.P.Q. 824 (Endo Laboratories, Inc. v. Fredericks, 08/18/1978)	
JS	4	KEENAN, et al., A Clinical Trial of Oat Bran and Niacin in the Treatment of Hyperlipidemia", Jour. Fam. Prac., 34:3, 313-317 (1992)	
JS	5	KNOPP, et al., "Contrasting Effects of Unmodified and Time-Release forms of Niacin on Lipoproteins in Hyperlipidemic Subjects: Clues to Mechanism of Action of Niacin", Metabolism, 34:7, 642-650 (1985)	
JS	6	Letter to Applicant from U.S. Department of Health and Human Services dated 07/28/1997	

Examiner Signature	James M. Spear	Date Considered	01-24-2004
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